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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,577

10/30/2003

David S. Benco

LUTZ 2 00245

7683

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7590

11/29/2006

FAY SHARPE/LUCENT
1100 SUPERIOR AVE
SEVENTH FLOOR
CLEVELAND, OH 44114

EXAMINER

CABUCOS, MARIE G

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,577

Applicant(s)

BENCO ET AL.

Examiner

Marie Antoinette Cabucos

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/30/2003 and amendment filed 9/05/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-9 are directed towards method steps, which can be practiced mentally in conjunction with pen and paper, therefore, they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the method steps. The claimed steps do not define a machine or computer implemented process. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

or

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being unpatentable by Cheng et al (US Patent no. 5,502,759).

Regarding claims 1, 2, 7, 19, 20 and 25, Cheng in figures 1-4 discloses a method for identifying a sender, the method comprising receiving an origination message (61, 63, 76, 78, STPs), receiving biometric information (figure 3) regarding the sender, using the biometric information to access an identity database record (350), retrieving identity information regarding the calling party from the identity database (3511), and transmitting an MSC-Network (60, CCS) Origination message including the identity information retrieved from the identity database.

Regarding claims 3 and 21, Cheng discloses the method of claim 1 further comprising transmitting a request for the biometric information to user equipment of the calling party (col. 12, lines 19-28).

Regarding claims 4, 5, 11-16, 22 and 23, Cheng discloses the method of claim 1 wherein receiving biometric information regarding the calling party comprises receiving retinal scan data or facial recognition data (col. 3, lines 13-17).

Regarding claims 6 and 24, Cheng discloses in figure 3 the method of claim 1 wherein using the biometric information to access an identity database record of the calling party comprises extracting identifying parameters from the biometric information, and using the extracted identifying parameters as a key or index into the identification database to access an identity database record of the sender.

Regarding claim 10, Cheng in figures 1-4 discloses a system operative for identifying a sender, the system comprising an identity database (350) accessible at least in part through the use of biometric data (330), the identity database including identifying records in association with respective biometric data, a switching center (60, 20) operative to receive biometric information regarding a sender and use the received biometric information to access the identity database to retrieve identity information therefrom and to generate and transmit an MSC-Network (61, 63, 76, 78, STPs) Origination message including the identity information (col. 12, lines 19-28).

Regarding claims 17 and 18, Cheng discloses in figure 3 wherein the switching center is operative to receive raw biometric data (330) and to parameterize the raw biometric data for use as a key or index into the identity database (350); and wherein the switching center is operative to receive parameterized biometric data from a piece of user equipment (300) used by the sender and to use the parameterized biometric data for as a key or index into the identity database.

Regarding claims 8, 9, 26 and 27, Cheng discloses in figure 3 the method of claim 1 further comprising receiving one or more spoken words, and using information in the one or more spoken words in combination with the biometric information (330) to access the identity database (350); and wherein using information in the spoken name in combination with the biometric information to access the identity database comprises converting the one or more spoken words into one or more text words and using the one or more text words and the biometric information as one or more keys or indexes

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into the identification database to access an identity database record of the calling party.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being unpatentable by Urban et al (US Publication no. 2004/0208302).

Regarding claims 1, 2, 7, 19, 20 and 25, Urban in figures 1-7 discloses a method for identifying a sender, the method comprising receiving an origination message (paragraph 0012), receiving biometric information (figure 2) regarding the sender, using the biometric information to access an identity database record (719), retrieving identity information regarding the calling party from the identity database, and transmitting an MSC-Network (710) Origination message including the identity information retrieved from the identity database.

Regarding claims 3 and 21, Urban discloses the method of claim 1 further comprising transmitting a request for the biometric information to user equipment of the calling party (200).

Regarding claims 4, 5, 11-16, 22 and 23, Urban discloses the method of claim 1 wherein receiving biometric information regarding the calling party comprises receiving retinal scan data or facial recognition data (paragraph 0041).

Regarding claims 6 and 24, Urban discloses in figures 1-7 the method of claim 1 wherein using the biometric information to access an identity database record of the calling party comprises extracting identifying parameters from the biometric information,

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and using the extracted identifying parameters as a key or index into the identification database to access an identity database record of the sender (paragraph 0039).

Regarding claim 10, Urban in figures 1-7 discloses a system operative for identifying a sender, the system comprising an identity database (719) accessible at least in part through the use of biometric data, the identity database including identifying records in association with respective biometric data, a switching center (705, 720) operative to receive biometric information regarding a sender and use the received biometric information to access the identity database to retrieve identity information therefrom and to generate and transmit an MSC-Network (710) Origination message including the identity information (paragraph 0039).

Regarding claims 17 and 18, Urban discloses in figures 2 and 7 wherein the switching center is operative to receive raw biometric data (246) and to parameterize the raw biometric data for use as a key or index into the identity database (710); and wherein the switching center is operative to receive parameterized biometric data from a piece of user equipment (200) used by the sender and to use the parameterized biometric data for as a key or index into the identity database.

Regarding claims 8, 9, 26 and 27, Urban discloses in figures 2 and 7 the method of claim 1 further comprising receiving one or more spoken words, and using information in the one or more spoken words in combination with the biometric information (246) to access the identity database (710); and wherein using information in the spoken name in combination with the biometric information to access the identity database comprises converting the one or more spoken words into one or more text

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words and using the one or more text words and the biometric information as one or more keys or indexes into the identification database to access an identity database record of the calling party (paragraph 0039).

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

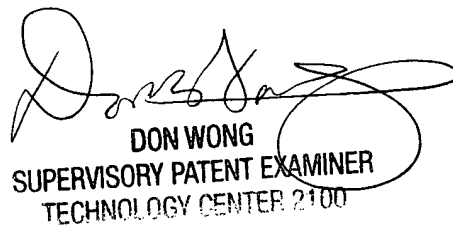
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marie Antoinette Cabucos
Examiner
Art Unit 2163


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